



# TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT



President – Kevin Graves • Vice-President – Bill Mayer • Director – Robert Leete • Director – Bill Pease • Director – Chris Steele

---

## MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY

Wednesday March 7, 2018

REGULAR MEETING 7:00 P.M.

Community Center

1601 Discovery Bay Boulevard, Discovery Bay, California

Website address: [www.todb.ca.gov](http://www.todb.ca.gov)

### REGULAR MEETING 7:00 P.M.

#### A. ROLL CALL AND PLEDGE OF ALLEGIANCE

1. Call business meeting to order 7:00 p.m. – By Vice-President Mayer.
2. Pledge of Allegiance – Led by Director Steele.
3. Roll Call – All present with the exception of President Graves.

#### B. PUBLIC COMMENTS (Individual Public Comments will be limited to a 3-minute time limit)

Public Comment Regarding:

- Discussion regarding the Community Center expenses, revenue, and deficit; reach out to the residents.
- Lighting in front of the Community Center; dangerous situation.

#### C. CONSENT CALENDAR

All matters listed under the CONSENT CALENDAR are considered by the District to be routine and will be enacted by one motion.

1. Approve DRAFT minutes of special meeting for February 21, 2018.
2. Approve DRAFT minutes of regular meeting for February 21, 2018.
3. Approve Register of District Invoices.
4. Approve the First Amendment to Employment Contract with General Manager.
5. Approve the adoption of Resolution No. 2018-02 and the Records Retention Schedules.

Motion by: Director Pease to approve the Consent Calendar.

Second by: Director Leete

Vote: Motion Carried – AYES: 4 – Vice-President Mayer, Director Leete, Director Pease, Director Steele, NOES: 0, ABSENT: 1 – President Graves.

#### D. AREA AGENCIES REPORTS / PRESENTATION

1. Supervisor Diane Burgis, District III Report - Deputy Chief of Staff Lea Castleberry – No report.
2. Sheriff's Office Report - Crime Prevention Specialist Fontenot – Provided the details of the Sheriff Report regarding the reported activity for February. There was discussion regarding the number of citations. New system [www.communitycrimemap.com](http://www.communitycrimemap.com) – all of the calls for service are on this system within 24hours.
3. CHP Report - Officer Thomas provided an update for the month of February.

Public Comment on the Consent Calendar regarding:

- Pay increase to be considered routine by the District and placement on the Consent Calendar.

Legal Counsel Attebery – Provided details regarding placement of item C-4 on the Consent Calendar; appropriate placement.

**E. LIAISON REPORTS**

None

**F. PRESENTATIONS**

None

**G. BUSINESS AND ACTION ITEMS**

1. Discussion and possible action regarding the Proposal to Amend Ordinance No. 7 – An Ordinance of the Board of Directors of the Town of Discovery Bay, A California Community Services District, Amending Ordinance No. 7 Water Regulations and Service Ordinance.

General Manager Davies – Provided details regarding the Proposal to Amend Ordinance No. 7.

Finance Manager Breitstein – Provided additional details regarding the amendment to Ordinance No 7 related to changes to infrastructure, water meters, and drought regulations. There was discussion regarding the changes to the Ordinance (complete overhaul).

Public Comment Regarding:

- Ordinance No. 7 - Provision 1.11, Provision 2.27, Provision 17.02, Provision 22.01, Section 31, Provision 51.02; a handout was also provided.

Legal Counsel Attebery – Provided details regarding the process of the Ordinance;

1. Introduce the Ordinance.
2. Waive the full reading.

Action tonight is to waive the first reading, and direct staff to place in the newspaper (post a summary of the Ordinance 5 days in advance of the Public Hearing meeting 3/21/2018/posting in the paper on Tuesday, March 13, 2018), to consider adoption of Ordinance No. 7 on March 21, 2018. The Public Comment recommended changes are related to policy issues.

There was discussion regarding the Public Comment related to the ability of the final arbitrator; what are other Agencies procedures.

Legal Counsel Pinasco – Provided additional details regarding the changes to the Ordinance.

Legal Counsel Attebery – Provided additional details regarding General Manager and Board Members are arbitrators with other Agencies.

Motion by: Director Leete to waive the reading of the Draft Ordinance and set the Public Hearing for March 21, 2018.

Second by: Director Pease

Vote: Motion Carried – AYES: 4 – Vice-President Mayer, Director Leete, Director Pease, Director Steele, NOES: 0, ABSENT: 1 – President Graves.

Legal Counsel Attebery – Amended the motion; to waive the first reading and direct staff to post the notice in the newspaper for the Public Hearing scheduled for March 21, 2018.

Motion Amended by: Director Leete to waive the first reading and direct staff to post the notice in the newspaper for the Public Hearing scheduled for March 21, 2018.

Second by: Director Pease.

Vote: Motion Carried – AYES: 4 – Vice-President Mayer, Director Leete, Director Pease, Director Steele, NOES: 0, ABSENT: 1 – President Graves.

2. Discussion and possible action regarding Board Response to County's Preliminary Framework for Cannabis Regulation.

General Manager Davies – Provided details regarding the proposed Framework related to Cannabis regulation.

Public Comment Regarding:

- Growing sites for Cannabis, outdoor personal growth, should not be visible from the street, buffer zone, age requirements, and taxation.

General Manager Davies – Provided details regarding the County website online survey.

Each Board Member provided their wish on Sensitive Site/Residential Buffers, Caps, and Outdoor Personal Grow.

Legal Counsel Attebery – Stated that due to differing opinions; the Board will need to come to a consensus on how to submit the wishes collectively. There was discussion regarding the process to send to the county regarding the Framework for Cannabis Regulation.

John Kopchik Department of Conservation and Development – Cannabis Regulation related to the best approach to send to the County.

The discussion continued regarding comments to the County for Cannabis Regulation.

Legal Counsel Attebery – Send one official letter from the Board of Directors of the Town of Discovery Bay; action and has the following comments on the Cannabis Framework.

The consensus of the Board is below:

- **Overall Reaction to the Framework:** Framework well thought out – Vice-President Mayer, Director Leete, Director Pease, Director Steele.
- **Sensitive Site/Residential Buffers:** Two Miles from Discovery Bay for cultivation (no sales) - Vice-President Mayer, Director Leete, Director Pease. No comment – Director Steele

John Kopchik Department of Conservation and Development – Provided details regarding concepts for Sensitive Site/Residential Buffers.

Legal Counsel Attebery – Direction for the letter related to the Sensitive Site/Residential Buffers; more distance than 1000; regarding Caps – conservative approach (caps on residential, retail, outdoor grow)

The discussion continued regarding the Sensitive Site/Residential Buffers (Buffer Zone).

- **Caps:** Tight Caps and monitored (Micro Business Sales) - Vice-President Mayer, Director Leete, Director Pease, Director Steele.
- **Outdoor Personal Grow:** No outdoor grow or personal use in Discovery Bay - Vice-President Mayer, Director Leete, Director Pease, Director Steele.

Consensus of the Board is to direct Staff to draft a letter and bring back to the Board at the next Regular meeting on March 21, 2018.

**3. Discussion and possible action regarding the approval of Notice of Completion for the Water Meter Installation Project.**

Justin Shobe Luhdorff & Scalmanini – Provided a presentation of the Water Meter Project completion summary. There was discussion regarding the warranty start date (as of the final meter – November) one year.

Public Comment Regarding:

- Bid amount; more than the bid.

Justin Shobe Luhdorff & Scalmanini – Provided the reasons for the bid amount: 1. Comparison of the meter quantity (specific number of types), 2. Adjustment to specifications regarding the brass fittings of the installation (PVC failures).

Motion by: Director Pease to approve the Notice of Completion and authorize the General Manager to release all retention for this project to JW Backhoe & Construction, Inc.

Second by: Director Leete

Vote: Motion Carried – AYES: 4 – Vice-President Mayer, Director Leete, Director Pease, Director Steele, NOES: 0, ABSENT: 1 – President Graves.

**4. Discussion and possible action regarding Draft Amendment of Administrative Policy 008 – Reimbursement of Expense/Travel.**

**5. General Manager Davies – Provided the details of Policy 008 – Reimbursement of Expense/Travel related to the IRS rules and clarification language.**

Motion by: Director Pease to approve the Draft Amendment of Administrative Policy 008 – Reimbursement of Expense/Travel.

Second by: Director Leete

Vote: Motion Carried – AYES: 4 – Vice-President Mayer, Director Leete, Director Pease, Director Steele, NOES: 0, ABSENT: 1 – President Graves.

**H. MANAGER'S REPORT**

None

**I. INFORMATIONAL ITEMS ONLY**

None

**J. DIRECTORS' REPORTS**

**1. Standing Committee Reports**

Vice-President Mayer – Provided the details of the East Contra Costa Fire Protection District meeting regarding the members of the ECCFPD Board and the Pulse Point (AED locations).

**2. Other Reportable Items**

**K. GENERAL MANAGER'S REPORT**

None

**L. CORRESPONDENCE RECEIVED**

1. Received – California Special District Association Board of Directors Call for Nomination Seat A.
2. Received – Special District Risk Management Authority Workers’ Compensation Longevity Distribution.

**M. FUTURE AGENDA ITEMS**

1. MCE Presentation at the March 21, 2018 meeting.
2. Legal Counsel for Assessments (funding sources for the Community Center).
3. Presentation from East Contra Costa Fire Protection District regarding the use of AEDs.

The regular meeting adjourned at 8:23 p.m. to the Closed Session.

**N. OPEN SESSION DISCLOSURE OF CLOSED SESSION AGENDA**

(Government Code Section 54957.7)

Legal Counsel Attebery – The Board is now adjourning into closed session regarding item O-1.

**O. CLOSED SESSION:**

1. Conference with Legal Counsel—Anticipated Litigation Pursuant to Government Code Section 54956.9(b)  
One potential Case

**P. RETURN TO OPEN SESSION; REPORT ON CLOSED SESSION**

(Government Code Section 54957.1)

Legal Counsel Attebery – Reporting from Closed Session on item O-1 and there is no reportable action.

**Q. ADJOURNMENT**

1. The meeting adjourned at 8:33 p.m. to the next regular meeting of March 21, 2018 beginning at 7:00 p.m. at the Community Center located at 1601 Discovery Bay Boulevard.

//cmc – 03-09-18

<http://www.todb.ca.gov/agendas-minutes>